

## REMARKS

Applicant will address the Examiner's objections and rejections in the order in which they appear in the Office Action.

### Claim Objections

In the Office Action, the Examiner objects to Claim 2 as being a substantial duplicate of claim 1. While Applicant traverses this rejection, in order to advance the prosecution of this application, Applicant is canceling Claim 2, without prejudice or disclaimer, rendering this objection moot.

Therefore, it is respectfully requested that this objection be withdrawn.

### Claim Rejections - 35 USC §103

#### Claims 1, 2, 4, 9-11, 14, 20, 21, 23, 28-30 and 33

The Examiner rejects Claims 1, 2, 4, 9-11, 14, 20, 21, 23, 28-30 and 33 under 35 USC §103 as being unpatentable over Yamazaki et al. (U.S. 6,689,492) and further in view of Shimizu (U.S. 5,003,221). This rejection is respectfully traversed.

While Applicant traverses this rejection, in order to advance the prosecution of this application, Applicant is amending independent Claims 1, 9, 20 and 28.

For example, Claims 1, 9 and 20 have been amended to recite first, second and third transparent films. Further, Claims 1, 9, 20 and 28 have been amended to recite the material for which each transparent film comprises. Claims 9 and 28 have also been amended to recite the composition ratio of oxygen and nitrogen of the second transparent film (Claim 9) and of the transparent film (Claim 28). Each of these claimed features is

supported by, for example, Embodiment Mode 2 (pages 12 et seq.) in the specification and Fig. 10 of the present application.

Claim 28 has also been amended to recite that the method for forming a light emitting device comprises forming a transparent film by sputtering using a silicon oxide target and a silicon nitride target. This feature is supported by, for example, page 23, lines 18-26 in the specification.

It is respectfully submitted that the cited references do not disclose or suggest these claimed features.

Therefore, independent Claims 1, 9, 20 and 28 are not disclosed or suggested by the cited references, and Claims 1, 9, 20 and 28 and those claims dependent thereon are patentable over these references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 5, 6, 8, 15, 16, 19, 24, 25, 27, 34-36

The Examiner also rejects Claims 5, 6, 8, 15, 16, 19, 24, 25, 27, 34-36 and 39 under 35 USC §103 as being unpatentable over Yamazaki (U.S. 6,894,431) and further in view of Shimizu. This rejection is also respectfully traversed.

While Applicant traverses this rejection, in order to advance the prosecution of this application, Applicant is amending independent Claims 5, 15, 24 and 34.

For example, Claims 5, 15, 24 and 34 have been amended to recite a first substrate and a second substrate with a substance filling a gap between a transparent film and the second substrate. These features are supported by, for example, page 16, line 24 to page 17, line 3 in the specification.

Further, Claims 5, 15 and 24 have been amended to recite a refractive index of the transparent film gradually decreases from a first interface at a side of the second electrode to a second interface at a side of the substance. Claims 15 and 34 have also been amended to recite that a composition ratio of oxygen in the transparent film increases, while a composition ratio of nitrogen in the transparent film decreases from a first interface at a side of the second electrode to a second interface at a side of the substance. These features are supported by, for example, page 16, line 24 to page 17, line 3 and page 18, lines 15-19 in the specification.

Claim 34 has also been amended to recite that the method for manufacturing a light emitting device comprises forming a transparent film by sputtering using a silicon oxide target and a silicon nitride target. The support of this feature is explained above.

It is respectfully submitted that the cited references do not disclose or suggest these claimed features.

Therefore, independent Claims 5, 15, 24 and 34 are not disclosed or suggested by the cited references, and Claims 5, 15, 24 and 34 and those claims dependent thereon are patentable over these references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 3, 12, 13, 22, 31 and 32

The Examiner also rejects Claims 3, 12, 13, 22, 31 and 32 under 35 USC §103 as being unpatentable over Yamazaki '492, Shimizu and further in view of Toyoshima et al. (U.S. 2001/0016262). This rejection is also respectfully traversed.

While Applicant traverses this rejection, in order to advance the prosecution of

this application, Claims 3, 12, 13, 22, 31 and 32 have been canceled, without prejudice or disclaimer, rendering this rejection moot.

Further, it is respectfully submitted that this rejection is improper. Toyoshima appears to disclose a coating, including silicon, nitrogen and oxygen, over a glass or quartz substrate for reducing the reflection between the substrate and the outside air.

In contrast, Yamazaki and Shimizu appear to disclose a light emitting device wherein light emitted from the light emitting element travels toward the outside through some substances and a substrate. For example, in Shimizu, a thin film layer 12 is provided *between* an electroluminescent layer 15 and a substrate 11 (or 21 or 31). As a result, the thin film layer in Shimizu is provided *inside* of a device (and not formed in contact with the outside or outside air). In contrast, in Toyoshima, the coating is formed between the substrate and the outside air and is formed in contact with the outside or outside air.

It is respectfully submitted that there is no reason, motivation or suggestion to substitute Toyoshima's coating formed between the substrate and the outside for Shimizu's thin film layer formed inside the device, nor any reason to combine the two references.

Further, Toyoshima does not disclose or suggest a method involving forming a transparent film by sputtering using a silicon oxide target and a silicon nitride target.

Therefore, this rejection is improper, and the pending claims are patentable over these references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 7, 17, 18, 26, 37 and 38

The Examiner also rejects Claims 7, 17, 18, 26, 37 and 38 under 35 USC §103 as being unpatentable over Yamazaki '431, Shimizu and further in view of Toyoshima et al. This rejection is also respectfully traversed.

While Applicant traverses this rejection, in order to advance the prosecution of this application, Claims 7, 17, 18, 26, 37 and 38 have been canceled, without prejudice or disclaimer, rendering this rejection moot.

Further, as explained above, this rejection is improper, and the pending claims are patentable over these references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Date: November 7, 2007

Respectfully submitted,

/Mark J. Murphy/  
Mark J. Murphy  
Registration No. 34,225

COOK, ALEX, McFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street; Suite 2850  
Chicago, Illinois 60606  
(312) 236-8500  
Customer No. 26568